

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **September 12, 2006**

AGENDA ITEM NO.: 16

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Resolution to proceed with PPTA on the 501/221 Intersection Project (Midtown Connector Phase II)**

**RECOMMENDATION:** Approval of the attached resolution will allow city staff to proceed with the issuing of a PPTA-RFP for the improvement of the Route 501/221 Intersection (Midtown Connector Phase II) and to enter into competitive negotiations for professional services from the selected respondent.

**SUMMARY:** The provisions of the Virginia Public Procurement Act, Va. Code s2.2-430, et seq., and the City of Lynchburg, Virginia Implementation Procedures and Guidelines for the Public-Private Transportation Act of 1995 and the Public-Private Education Facilities and Infrastructure Act of 2002, as amended, adopted January 27, 2004 , amended January 10, 2006 require the following from City Council.

*Before accepting any unsolicited proposal or before issuing any solicitation for proposals, the City Council will determine whether it will proceed to evaluate proposals using either: a. "Competitive sealed bidding", as defined in Va. Code § 2.2-4301; or b. "Competitive negotiation" of other than professional services as defined in Va. Code § 2.2-4301.*

*The City may proceed using competitive negotiation procedures described above only if the City Council first makes a written determination pursuant to Virginia Code § 56-575.16.2 that doing so is likely to be advantageous to the public based upon either (i) the probable scope, complexity or priority of the project, or (ii) the risk sharing, including guaranteed cost or completion guarantees, added value, or debt or equity investments proposed, or (iii) the increase in funding, dedicated revenue source or other economic benefit that would otherwise not be available.*

Considering the probable scope, complexity or priority of the project city staff believes that this is a "Qualifying transportation facility" under the Act and is of the opinion that soliciting for a PPTA-RFP on this project, and evaluating them using "Competitive Negotiations" will be the best opportunity for completion in a timely manner.

The attached resolution is presented to council for consideration:

PRIOR ACTION (S): Adoption of original Procedures and Guidelines, January 27, 2004  
Adoption of revisions Procedures and Guidelines, January 10, 2006

FISCAL IMPACT: N/A

CONTACT (S): Kimball Payne, 455-3990  
Tom Wilson, 455-4454

ATTACHMENT (S): Resolution

REVIEWED BY: lkp

## RESOLUTION

BE IT RESOLVED that the Council of the City of Lynchburg, Virginia, had determined that is advantageous to the public based upon either (i) the probable scope, complexity or priority of the project, or (ii) the risk sharing, including guaranteed cost or completion guarantees, added value, or debt or equity investments proposed, or (iii) the increase in funding, dedicated revenue source or other economic benefit that would otherwise not be available to proceed with the issuance of a Public-Private Transportation Act Request for Proposals (PPTA-RFP) for the Route 501/221 Intersection Project (Midtown Connector, Phase II) and to proceed using the "Competitive negotiation" procedures when evaluating proposals received for the PPTA- RFP for the Route 501/221 Intersection Project (Midtown Connector, Phase II).

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

102L